IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

Crl.Rev.Pet.No. 4411 of 2007()

CMP.5147/2007 of JUDL.MAGISTRATE OF FIRST CLASS COURT, TIRUR

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REVN. PETITIONER:

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1. KUNNATH VELAYUDHAN, S/O. KARI, CHALIYAKUDAN, MELMURI AMSOM DESOM, KADAMPUZHA. TIRUR TALUK.

2. KUNNATH CHANDRAN, S/O. KARI, CHALIYAKUDAN, MELMURI AMSOM, DESOM, KADAMPUZHA. TIRUR TALUK.

3. CHAKKI, W/O. KUNNATH KARI, XHALIYAKUDAM, MELMURI AMSOM DESOM KADAMPUZHA. TIRUR TALUK.

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENTS:

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1. AJITHA N., W/O. LATE SUBRAMONIAN K., NECHIPPADATH HOUSE, ESWARAMANGALAM AMSOM, KOTTATHARA DESOM, P.O. EASWARAMANGALAM. PONNANI TALUK.

2. THE STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI. K.S. SIVAKUMAR, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 10/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR , J

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CRL.R.P. NO. 4411 OF 2007

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Dated this the 10th day of December, 2007.

ORDER

The revision petitioners, who are the mother in law and the brothers in law of the 1st respondent Ajitha, challenge the interim order dated 03.11.2007 in C.M.P. No. 5147/2007 on the file of the Judicial First Class Magistrate, Tirur passed under Section 23 (2) of the Protection of Women from Domestic Violence Act, 2005.

2. The contention of the revision petitioner that the proceedings under the said Act cannot be initiated against females and an order under Section 19 r/w Section 17 of the Act can only a prohibitory order and therefore the impugned order is one passed without jurisdiction entitling the revision petitioner to bypass the appellate remedy provided under Section 29 and approach this Court, is without any merit. In as much as the impugned order is appealable under Section 29 of the said Act, I am not inclined to entertain this revision which is accordingly dismissed as not maintainable without prejudice to the right of

the petitioner to move the appellate court for reliefs. If the revision petitioner files an appeal within 10 days from today, the impugned order shall be kept in abeyance till then. This benefit will not be available to the petitioner if he does not file the appeal within 10 days from today. The certified copy of the impugned order filed along with this revision may be returned to the revision petitioner so as to enable him to file the appeal.

V. RAMKUMAR, JUDGE.

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